IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.SASIDHARAN NAMBIAR

MONDAY, THE 4TH DECEMBER 2006 / 13TH AGRAHAYANA 1928

CRP.No. 987 of 2006()

O.P.(TP) 119/06 OF DISTRICT COURT, KOLLAM

REVN. PETITIONER: PETITIONERS:

---

1. D.REMANAN, PRESIDENT,
   SREE MURUKUM KAVU BHAGAVATHY SHEKTHRA DEVASWAM,
   THAZHUTHALA CHERRY, ADICHANALLOOR VILLAGE.

2. D.REMANAN, RAJESH BHAVAN,
   SREE MURUKUM KAVU BHAGAVATHY SHEKTHRA DEVASWAM,
   THAZHUTHALA CHERRY, ADICHANALLOOR VILLAGE.

3. K.THANKAPPAN PILLAI, BHANU NIVAS,
   SREE MURUKUM KAVU BHAGAVATHY SHEKTHRA DEVASWAM,
   THAZHUTHALA CHERRY, ADHICHANALLOOR VILLAGE.

4. S.SATHEESAN PILLAI, KUNNUVILA VEEDU,
   SREE MURUKUM KAVU BHAGAVATHY SHEKTHRA DEVASWAM,
   THAZHUTHALA CHERRY, ADICHANALLOOR VILLAGE.

BY ADV. SRI.C.RAJENDRAN

RESPONDENTS: RESPONDENTS:

---

1. RADHAKRISHNAN, S/O.JANARDHANAN,
   CHARUVILA VEEDU, THAZHUTHALA CHERRY,
   ADICHANALLOOR VILLAGE.

2. SANTHOSH, S/O.SADANANDAN,
   AJITHA BHAVAN, THAZHUTHALA CHERRY,
   ADICHANALLOOR VILLAGE.

3. THANKAPPAN PILLA, S/O.SANKU PILLAI,
   SHAJI BHAVAN, THAZHUTHALA CHERRY,
   ADICHANALLOOR VILLAGE.

4. PADMANABHAN RAVEENDRAN,
   ANADU VEEDU, THAZHUTHALA CHERRY,
   ADICHANALLOOR VILLAGE.

5. KRISHNANKUTTY,
S/O.MAKKOTHA, LOTUS BHAVAN,
THAZHUTHALA CHERRY, ADICHANALLOOR VILLAGE.

BY //

THIS CIVIL REVISION PETITION HAVING COME UP FOR ADMISSION ON 04/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON I.A.NO. 3465 OF 2006 IN CRP 987/06

DISMISSED

4/12/2006

SD/-M.SASIDHARAN NAMBIAR,JUDGE.

//True copy//

PA to Judge.

M.SASIDHARAN NAMBIAR,J.

C.R.P .NO.987 OF 2006

Dated 4th December 2006

O R D E R

Petitioners are challenging the order in O.P.(T.P) No.119/2006 on the file of District court, Kollam whereunder their petition to transfer O.S.324/05 from Munsiff court court, Paravoor to Sub court Kollam, where O.S.9/2006 is pending, was dismissed by learned District Judge. Argument of learned counsel appearing for petitioners is that defendants are common in both the suits and question to be decided in both suits are also same and therefore District court should have allowed the transfer.

2. On hearing learned counsel appearing for petitioners, I do not find any infirmity or illegality in the impugned order passed by learned District Judge. O.S.324/05 was filed seeking a decree for realisation of the amount from defendants contending that there is dispute on the validity of devaprashnam. O.S.9/2006 was filed seeking a decree setting aside

the election and appointment of new governing body. Even though incidentally question of devaprashnam may arise, that does not mean that both suits are to be tried by the same court. I find no reason to interfere with the order passed by District Judge.

Revision petition is dismissed.

M.SASIDHARAN NAMBIAR,
JUDGE.

uj.